

JUDICIAL BRANCH AGENCIES

APPELLATE DEFENDER COMMISSION

	<i>Term expires</i>
ROBERT A. BENSON, Michigan Judges Association Designee . . .	May 24, 2005
ALLAN S. FALK, Court of Appeals Designee	May 24, 2006
OLIVER C. MITCHELL, JR., State Bar Designee (Vice Chair)	May 24, 2007
D. JOSEPH OLSON, Supreme Court Designee	May 24, 2003
JOSEPH P. OVERTON, Supreme Court Designee (Chair)	May 24, 2003
MICHAEL W. PUNG, Governor's Designee	May 24, 2004
JOHN E. S. SCOTT, State Bar Designee	May 24, 2007

The **Appellate Defender Commission**, created by Act 620 of 1978, is required to provide a statewide system of indigent appellate defense services that includes the services of both the State Appellate Defender Office (SADO) and the Michigan Appellate Assigned Counsel System (MAACS).

State Appellate Defender Office

The State Appellate Defender Office was established in 1970 pursuant to Michigan Supreme Court Administrative Order 1970-1 to provide competent legal representation of indigent criminal defendants in post-conviction matters. The office currently operates pursuant to Act 620 of 1978, which superseded Administrative Order 1970-1, and is governed by the 7-member Appellate Defender Commission.

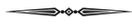
Except in unusual situations, SADO is appointed to cases by Michigan's trial courts to represent indigent defendants on felony appeals and in a variety of other post-conviction proceedings. Infrequently, the Michigan Supreme Court or the Michigan Court of Appeals will direct lower courts to appoint SADO. The office also publishes a variety of books, newsletters, provides access to its brief bank and phone assistance to assist appointed counsel at trial and appeal to improve the quality and reduce the costs of appointed counsel to the counties and state. All this is now maintained in a website, www.SADO.org. The principal office is located in Detroit and the organization is directed by James R. Neuhard.

Michigan Appellate Assigned Counsel System

Assigned private counsel handle 75% of all indigent felony appeals in Michigan. Until the advent of MAACS, there existed no uniform statewide method of qualifying and selecting those attorneys. Each jurisdiction had its own method of appointing appellate counsel and of paying them from county funds. The result was wide disparity in the quality of representation provided.

Act 620 of 1978 requires the commission to compile and keep current a statewide roster of attorneys eligible for, and willing to accept, appointment as criminal appellate defense counsel and to provide continuing legal education for those attorneys. MAACS is the administrative office which screens the qualifications of attorneys seeking to join the statewide roster, compiles local lists of roster attorneys willing to accept appointments in circuit court, provides training programs and resource materials to roster attorneys, and monitors compliance with the Minimum Standards for Indigent Criminal Appellate Defense Services.

Pursuant to its statutory mandate to develop a comprehensive service delivery system, the commission has adopted regulations designed to insure that appellate assignments are fairly distributed among qualified lawyers and that assigned private counsel remain professionally independent. MAACS monitors the process by which appellate counsel are selected in each jurisdiction, the distribution of cases among private counsel, and the allocation of cases between private counsel and SADO. MAACS also provides training programs and other reference materials to the attorneys on its roster.



ATTORNEY DISCIPLINE BOARD

	<i>Term expires</i>
BILLY BEN BAUMANN, M.D., Bloomfield Hills (Nonlawyer)	Sept. 30, 2003
REV. IRA COMBS, JR., Jackson (Nonlawyer)	Sept. 30, 2004
WILLIAM P. HAMPTON, Farmington Hills (Vice Chair)	Sept. 30, 2004
GEORGE H. LENNON, Kalamazoo	Sept. 30, 2003

ATTORNEY DISCIPLINE BOARD (Cont.)

Term expires

MARIE E. MARTELL, East Lansing (Secretary)	Sept. 30, 2003
THEODORE J. ST. ANTOINE, Ann Arbor (Chair)	Sept. 30, 2005
LORI M. SILSBURY, Lansing	Sept. 30, 2005
RONALD L. STEFFENS, Metamora (Nonlawyer)	Sept. 30, 2005
RICHARD F. SUHRHEINRICH, Lansing	Sept. 30, 2005

The Michigan **Attorney Discipline Board** was created by the Michigan Supreme Court, effective October 1, 1978, as the adjudicative arm of the supreme court for the discharge of the court's constitutional responsibility to supervise and discipline Michigan attorneys.

The Attorney Discipline Board consists of 9 members who serve without compensation and who are appointed by the supreme court as follows: 6 lawyers and 3 public members (nonlawyers), each of whom may serve no more than two three-year terms.

The role of the board in disciplinary proceedings begins after a grievance has been investigated by the grievance administrator and approved by the Attorney Grievance Commission for the filing of a formal complaint with the board. Grievances against attorneys are confidential during the investigation stage; however, the formal complaint, pleadings, hearing transcript, and orders are a matter of public record. All hearings conducted by the Attorney Discipline Board and its hearing panels are open to the public.

Most panel and all appeal hearings before the Attorney Discipline Board are conducted in the board's hearing room at its offices in Detroit. Approximately one-third of the hearings are conducted by hearing panels at other locations in the state. As appointees of the Attorney Discipline Board, approximately 400 Michigan attorneys serve as volunteers on the 3-member panels, which act as the trial level of the board's proceedings. The board may also refer a matter for examination by a special master when a complaint involves specialized questions of fact or is of such complexity or volume that it requires exceptionally prolonged hearing time or expedited attention.

A trial before a hearing panel is governed by the Michigan Court Rules applicable to a civil matter tried without a jury and by the Michigan Rules of Evidence. Special procedural rules apply in cases based upon an attorney's conviction of a crime or an adjudication of professional misconduct in another jurisdiction. In all other disciplinary proceedings, professional misconduct must be established by a preponderance of the evidence. If misconduct is established, the hearing panel must conduct a separate hearing to determine the appropriate level of discipline. A hearing panel may enter orders of probation, reprimand, suspension for a stated period of time (minimum—30 days) or revocation of license (commonly referred to as disbarment). A hearing panel is empowered to order restitution to the attorney's client(s) and must order reimbursement to the State Bar of Michigan of the expenses of the hearing. A separate court rule governs proceedings before a hearing panel based upon a complaint by the grievance administrator to place an attorney on inactive status because of mental or physical incapacity.

A hearing panel's order to dismiss a complaint or to impose discipline becomes a final order unless appealed to the Attorney Discipline Board. Appeals from hearing panel decisions are heard by the full board as a matter of right and are based upon the record before the panel. Appeals from a decision by the board may be pursued only by leave of the Michigan Supreme Court. Appeals may be filed by the grievance administrator, the respondent/attorney, or the original complainant(s).

Attorneys who are found to be physically or mentally unable to continue in the practice of law may be placed on inactive status for an indefinite period; disciplinary complaints against such individuals are held in abeyance during the period of incapacity.

Attorneys suspended for 179 days or less may be automatically reinstated upon the filing of an affidavit of compliance with the order of discipline. In cases of suspension for 180 days or more, the attorney must file a petition for reinstatement which is followed by a new investigation and establishment by the respondent/attorney of his or her fitness to reenter the practice of law. Attorneys suspended for 3 years or more must, in addition to reinstatement proceedings, undergo examination and recertification by the State Board of Law Examiners. In Michigan, an attorney whose license has been revoked may petition for reinstatement after 5 years. The office of the board is located in Suite 1410, 211 W. Fort St., Detroit, MI 48226. John F. Van Bolt, Executive Director.

Further information about the board, including board opinions, notices of discipline and the most recent annual reports may be obtained at the board's website: <http://www.adbmich.org>.

ATTORNEY GRIEVANCE COMMISSION

Term expires

NOELLE CLARK, Levering	Sept. 30, 2005
BARBARA B. GATTORN, Detroit	Sept. 30, 2004
RUSSELL E. MOHNEY, M.D., Portage	Sept. 30, 2003
RICHARD B. POLING, Jr., Troy	Sept. 30, 2003
JANE SHALLAL, Southfield	Sept. 30, 2004
ANDREA L. SOLAK, Detroit (Vice Chair)	Sept. 30, 2005
KAREN QUINLAN VALVO, Ann Arbor	Sept. 30, 2004
CARL E. VER BEEK, Grand Rapids (Chair)	Sept. 30, 2005
KENDALL B. WILLIAMS, Grand Blanc	Sept. 30, 2003

The Michigan **Attorney Grievance Commission** was created by the Michigan Supreme Court, effective October 1, 1978. Along with the simultaneously created Attorney Discipline Board, the commission succeeded the former State Bar Grievance Board. Pursuant to MCR 9.108(A), the commission is the prosecutorial arm of the supreme court for the discharge of its constitutional responsibility to supervise and discipline Michigan attorneys.

The Attorney Grievance Commission has 9 members. Three members are lay persons and 6 are attorneys, appointed by the supreme court.

Pursuant to MCR 9.108(E)(1), the commission has the power and duty to recommend attorneys to the supreme court for appointment as grievance administrator and deputy grievance administrator. The grievance administrator serves as executive director and chief prosecutor.

Sub-chapter 9.100 of the Michigan Court Rules governs attorney disciplinary proceedings.

Grievances filed against attorneys are denominated "requests for investigation." Any person may file a request for investigation with the grievance administrator and the grievance administrator may file his or her own request for investigation, where necessary. The filing of a request for investigation is normally the first step in the grievance process.

Following the filing of a request for investigation, the grievance administrator must determine whether a prima facie allegation of professional misconduct, i.e., a violation of Michigan Court Rule 9.104, exists. The grievance administrator may reject the request for investigation on its face or after a preliminary investigation, or he or she may conduct a full investigation. If the grievance administrator does not reject the request for investigation, he or she will, upon conclusion of the investigation, recommend to the commission that (1) the matter be closed as there is not evidence of professional misconduct sufficient to sustain the burden of proof at a disciplinary proceeding, or (2) the commission admonish the respondent attorney pursuant to MCR 9.106(6) (this does not constitute discipline), or (3) authorization be granted for the issuance of a formal complaint.

Upon being authorized to file a formal complaint by the commission, the grievance administrator causes a complaint to be prepared and filed with the Attorney Discipline Board. The only exception to this is in the case of criminal convictions, where an order is issued by the board commanding the respondent to show cause why discipline should not be imposed.

Public hearings on charges of misconduct are held before 3-lawyer hearing panels of the Attorney Discipline Board. In the case of a formal complaint, the grievance administrator is required to prove his or her case by a preponderance of the evidence. Upon conclusion of the hearing, if the panel finds that the grievance administrator has failed to prove misconduct alleged in the formal complaint by a preponderance of the evidence, the charge against the respondent must be dismissed. If the panel concludes that misconduct has been proven by a preponderance of the evidence, the panel must enter an order of discipline, which may consist of a reprimand, probation, suspension, or disbarment. The panel may also require that the respondent make restitution to an aggrieved party.

Any party, including the complainant who filed the request for investigation, may appeal an order of a hearing panel, as a matter of right, to the Attorney Discipline Board, and may seek leave to appeal to the Michigan Supreme Court from an order of the Attorney Discipline Board. The office of the commission is located in Suite 256, 243 W. Congress, Detroit, MI 48226. Robert L. Agacinski, Grievance Administrator.



JUDICIAL TENURE COMMISSION

Term expires

HENRY R. BASKIN	Dec. 31, 2004
CAROLE CHIAMP	Dec. 31, 2005
HON. BARRY M. GRANT	Dec. 31, 2005
HON. PAMELA HARWOOD	Dec. 31, 2003
HON. JAMES C. KINGSLEY	Dec. 31, 2003
HON. KATHLEEN McCANN	Dec. 31, 2004
JAMES MIDDLEAUGH	Dec. 31, 2004
HON. WILLIAM B. MURPHY	Dec. 31, 2003
RICHARD D. SIMONSON	Dec. 31, 2005

Michigan's **Judicial Tenure Commission** was established in 1968 when voters approved H.J.R. PP, which added Sec. 30 to Article VI of the Michigan Constitution of 1963. The commission serves to promote the integrity of the judicial process and preserve public confidence in the courts by holding judges accountable for their misconduct without jeopardizing or compromising the essential independence of the judiciary. The basis for commission action is a violation of the Code of Judicial Conduct or the Rules of Professional Responsibility. The code is published with the Michigan Court Rules.

On recommendation of the Judicial Tenure Commission, the Michigan Supreme Court may censure, suspend with or without salary, retire, or remove a judge for conviction of a felony, physical or mental disability that prevents the performance of judicial duties, misconduct in office, persistent failure to perform duties, habitual intemperance, or conduct that is clearly prejudicial to the administration of justice. The office is located at Cadillac Place, 3034 W. Grand Blvd., Detroit, MI 48202. Paul J. Fischer, Executive Director. For more information, see jtc.courts.mi.gov.



STATE BOARD OF LAW EXAMINERS

Term expires

CHARLES F. BEHLER	June 30, 2005
HON. RAE LEE CHABOT	June 30, 2008
LINDA PARKER	June 30, 2004
WILLIAM E. RHEAUME	June 30, 2006
LOUIS A. SMITH	June 30, 2007

The **State Board of Law Examiners**, constituted by Act 236 of 1961, consists of 5 active members of the bar, each of whom holds office for 5 years and one of whom is appointed by the governor on nomination by the supreme court on the first day of July each year.

The board has charge of the investigation and examination of all persons who initially apply for admission to the bar of this state.

The board offices are located at 4th Floor, Hall of Justice, P.O. Box 30104, Lansing, MI 48909. Corbin R. Davis, Assistant Secretary.



STATE COURT ADMINISTRATIVE OFFICE

According to the Michigan Constitution, Article VI, Section 3, “. . . the supreme court shall appoint an administrator of the courts and other assistants of the supreme court as may be necessary to aid in the administration of the courts of the state. The administrator shall perform administrative duties assigned by the court.” Under the general direction of the supreme court, the State Court Administrative Office (SCAO) is responsible for assisting in the administration of justice in Michigan's trial courts. The state court administrator is also responsible for advising the supreme court, as well as the executive and legislative branches, on matters relating to the management of Michigan's One Court of Justice. For more information on the SCAO, go to www.supremecourt.state.mi.us.

The mission of the **State Court Administrative Office (SCAO)** is to provide leadership and promote effective, efficient, equitable, uniform, and accessible court and justice system services to advance the highest quality of justice in Michigan. This mission provides the foundation for all of its functions, operations and services.

The SCAO provides management assistance and oversight to chief judges and judges of 244 trial courts and their trial court staff on matters relating to trial court management. It collects, analyzes, and publishes management information regarding operations of trial courts. This information is used by the Supreme Court and State Court Administrator in evaluating the performance of Michigan courts and making decisions regarding their operations. The SCAO provides analyses of legislative and executive branch policy initiatives in terms of their administrative impact on the judiciary. The SCAO also assists in the evaluation of court rules and legislation affecting administration of courts, proposes changes to rules and statutes where appropriate, and advises the Supreme Court on administrative matters.

The State Court Administrative Office is comprised of 6 divisions: Administrative Services, Trial Court Services, Office of Dispute Resolution, Michigan Judicial Institute, Judicial Information Systems, and Regional Administration. Each division has a director who is responsible for oversight, coordination, improvement efforts and overall management of each of their respective divisions. Each division director reports directly to the State Court Administrator.

The **Administrative Services Division** of the State Court Administrative Office is comprised of 3 divisional units (Administrative Support, Budget and Finance, and Policy and Planning) that are under the direction of the Deputy State Court Administrator. The division develops and manages the Supreme Court budget, collects, analyzes, and compiles caseload statistics and information on court expenditures for 246 trial courts, develops a Judicial Resources Report and develops strategies for the future based on resource availability and projected need. It is also responsible for internal operational management, gathering, disseminating and publishing information, special project planning, and project management. Special projects include Drug Treatment Court Grant Programs, Juror Reimbursement Fund, and Trial Court Management Planning.

The **Trial Court Services Division** of the State Court Administrative Office is responsible for providing management assistance to courts: administering, participating in, and providing support to a variety of court improvement projects; conducting legislative and policy analysis; providing standards for trial court operations; serving as liaison to court management organizations and executive and legislative branch agencies; and producing various publications, procedural manuals, and standard court forms for use in everyday operations within the courts. The Division is currently working with local family courts to monitor progress in locating children who are absent without legal permission from court-ordered placements. Trial Court Services also provides staff support to the Court Reporting and Recording Board of Review, which establishes criteria and administers tests for certification of court reporters and recorders.

The **Friend of the Court Bureau (FOCB)**, created by Public Act 294 of 1982 (Friend of the Court Act) provides uniformity and guidance to local circuit courts and friend of the court operations. It provides management assistance to circuit judges and Friend of the Court offices has responsibility for the development and updating of child support and parenting time guidelines, develops recommended procedures for Friend of the Court offices, publishes information regarding child support and friend of the court matters for attorneys, litigants, and the general public, provides staff support to the Friend of the Court Advisory Committee and develops and recommends guidelines for conduct, operations, and procedures for local friend of the court offices and employees.

The **Child Welfare Services Division** coordinates the provision of management assistance to the child welfare system through training, reviewing foster care cases, and the development and oversight of a variety of court improvement projects. The unit consists of the Court Improvement Program (CIP) and the Foster Care Review Board Program (FCRBP).

The Court Improvement Program focuses on improving court management or child protective proceedings and manages grant funding for child welfare projects in courts.

The FCRBP was established pursuant to Public Act 422 of 1984 in an effort to improve children's foster care programs in the state. There are 30 local citizen review boards covering all 83 counties to review selected cases of children who are in foster care as the result of abuse or neglect. Review panels are composed of private citizens who review plans for permanent placement of children in foster care and make advisory recommendations to the court, Family Independence Agency, and private child placement agencies. The board also recommends system modifications to ensure the quality and consistency of placement services for children statewide, using data collected at the local level. Review panels make findings and recommendations relative to permanency planning and ensure that courts and social service agencies receive objective and timely feedback as to the quality of the service delivery.

Review panels collect data on Michigan's compliance with established outcome measures through the review of individual cases. The information gathered from citizen reviews is used to inform the Division as it develops court improvement projects and makes funding decisions aimed at the improvement of child protective proceedings.

The **Office of Dispute Resolution** includes the Community Dispute Resolution Program (CDRP) that was established by Public Act 260 of 1988, and provides funding for 24 nonprofit community dispute resolution centers where disputants can tap the resources of a neutral third person to negotiate their own settlements as an alternative to litigation. Approximately 10,000 people per year use the mediation process. Approximately half of all cases handled at CDRP centers are referred by the trial courts. The program is funded by an assessment to civil court filing fees. It also develops grant application procedures and monitors the distribution of grant funds to the mediation centers; establishes guidelines and approves training materials in accordance with statutory requirements; develops, implements, monitors, and evaluates community dispute resolution programs as a local community alternative dispute resolution technique; through the use of local grants, produces a variety of educational materials and provides specialized services for permanency planning and ADA dispute mediation.

The **Judicial Information Systems (JIS) Division**, with offices in Lansing and Southfield, is responsible for developing and maintaining office automation applications for the Michigan Supreme Court and to subscribers of its trial courts applications. JIS currently provides ongoing support and training on use of applications to more than 270 judicial branch staff, 81 district/municipal courts, 39 circuit courts, 60 juvenile divisions of circuit court, and 60 probate courts. JIS advises and assists trial courts in the selection, acquisition, installation, programming, and operation of automated data processing systems. The division coordinates with other state agencies in the development, support, accumulation and submission of court-related data to statewide repositories. JIS also participates in other Supreme Court initiatives where technological advances may contribute to the overall objective of that initiative. These initiatives include trial court connectivity, electronic submissions to state agencies, web-enabled applications for payments, electronic filing, and data warehousing.

The **Michigan Judicial Institute (MJJ)** was developed by the Michigan Supreme Court in 1977 to provide judges and court personnel with opportunities to develop and enhance professional skills. MJJ is the State Court Administrative Office education division of the Michigan Supreme Court. Continuing judicial branch education is provided in many formats including live seminars; publications (e.g., judicial bench books, monographs); distance learning opportunities (e.g., video conferencing, satellite seminars, compact disc interactive and CD-rom programs, web-based training — www.supremecourt.state.mi.us); resource library, including materials from the State Justice Institute, American Bar Association, American Judicature Society, National Association of State Judicial Educators, National Association for Court Management, and MJJ-sponsored programs. MJJ is also responsible for the Supreme Court Learning Center, a gallery located in the Hall of Justice, designed to educate the public on the Michigan court system — www.courts.michigan.gov/plc/index.htm. Finally, MJJ hosts a variety of international delegations of judges and court personnel seeking to learn about our methods of judicial branch education.

The **Regional Administration** is comprised of 4 regional offices that provide direct services to the courts and serve as links between the Supreme Court and the local courts. Through the regional division, SCAO is able to establish close working relationships with the courts and judges and to gain information about the inner workings of the trial courts and particular political circumstances present. Regional administrators and their staff establish close ties with the judges and court personnel through visits to the courts in their respective regions. They meet with judges, court staff, county commissioners, other local officials, attorneys, and litigants.

The **Region I State Court Administrative Office** is located in Detroit and services the trial courts in Genesee, Macomb, Monroe, Oakland, St. Clair, Washtenaw and Wayne counties. The **Region II State Court Administrative Office** is located in Lansing and services the trial courts in Berrien, Cass, St. Joseph, Branch, Hillsdale, Lenawee, Van Buren, Kalamazoo, Calhoun, Jackson, Allegan, Barry, Eaton, Ingham, Livingston, Ottawa, Kent and Muskegon counties. The **Region III State Court Administrative Office** is located in Mt. Pleasant and services the trial courts in Ionia, Clinton, Shiawassee, Montcalm, Gratiot, Saginaw, Lapeer, Tuscola, Sanilac, Huron, Oceana, Newaygo, Mecosta, Isabella, Midland, Bay, Mason, Lake, Osceola, Clare, Gladwin, Arenac, Iosco, Roscommon, Ogemaw, Oscoda, and Alcona counties. The **Region IV State Court Administrative Office** is located in Gaylord and services the trial courts in Manistee, Wexford, Missaukee, Benzie, Grand Traverse, Kalkaska, Crawford, Leelanau, Antrim, Otsego, Montmorency, Alpena, Charlevoix, Emmet, Cheboygan, Presque Isle, Mackinac, Chippewa, Luce, Schoolcraft, Alger, Delta, Menominee, Marquette, Dickinson, Iron, Baraga, Houghton, Keweenaw, Ontonagon and Gogebic counties.